

Telefax**Boehringer
Ingelheim**

Examiner C. Azpuru
United States Patent and Trademark Office
(703) 872-9306

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October 9, 2003

USSN 09/975,418; Atty. Docket No. 1/1149

Dear Examiner Azpuru:

With regard to the above-referenced patent application, enclosed are the following documents:

1. Response to Notice of Allowance and Fee(s) Due (2 Pages);
2. Copy of Amendment Under 37 CFR § 1.312 filed by facsimile on April 10, 2003, with copy of fax transmittal form verifying complete transmission on that date (12 Pages);
3. Copy of Amendment filed by facsimile on June 2, 2003, along with the Petition to Withdraw from Issue and Request for Continued Examination, with copy of fax transmittal form verifying complete transmission on that date (18 Pages);
4. Copy of Supplemental Information Disclosure Statement by Applicant filed on August 15, 2002 (1 page);
5. Copy of Supplemental Information Disclosure Statement by Applicant filed on August 15, 2002, marked by Examiner; and
6. Copy of Decision On Petition.

If you have any questions regarding the enclosed, please call me at 203/798-4542.

Sincerely,

A handwritten signature in black ink.

Philip L. Datlow
Attorney for Applicant(s)

Philip L. Datlow
Telephone 203/798-4542
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900 Ridgebury Rd/P.O. Box 368
Ridgefield, CT 06877-0368

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Bechtold-Peters, K. et al) Art Unit: 1615
Serial No.: 09/975,418) Examiner: Carlos A. Azpuru
Conf. No.: 4479)
Filed: 10/11/2001
For: Inhalable Powder Containing Tiotropium
Docket No.: 1/1149

I hereby certify that this correspondence is being facsimile transmitted to Examiner Carlos A. Azpuru, U. S. Patent and Trademark Office, at (703) 872-9306 on October 9, 2003.

By: 
Philip I. Dutton
Reg. No. 41,482

RESPONSE TO NOTICE OF ALLOWANCE AND FEE(S) DUE

Dear Sir:

This is in response to the Notice of Allowance and Fee(s) Due mailed on September 8, 2003, regarding the above-identified application. The Notice is believed to be incomplete since it fails to acknowledge the following two documents filed prior to the issuance of the Notice:

- 1) The Amendment Under 37 CFR § 1.312 filed by facsimile on April 10, 2003 (copy enclosed along with fax transmittal form verifying complete transmission on that date). This Amendment amended certain claims and also added claims 18-31 to the application.
- 2) The Amendment filed by facsimile on June 2, 2003, along with the Petition to Withdraw from Issue¹ and Request for Continued Examination (copy of Amendment is enclosed along with fax transmittal form verifying complete transmission on that date). This Amendment cancelled claim 12 and added claims 32-58 to the application.

In addition, on the Supplemental Information Disclosure Statement by Applicant form return with the Notice (copy is enclosed; the original was filed with the IDS on August 15, 2002), the Examiner crossed through the citation to copending US Appln No. 09/961,822, and it is therefore unclear on the record whether or not this copending application was considered.

¹ The Petition to Withdraw from Issue was granted on June 3, 2003. (copy enclosed)

**RESPONSE TO NOTICE OF ALLOWANCE AND FEE(S) DUE
USSN 09/975,418
ATTY. DOCKET NO. 1/1149**

In view of the above, the Examiner is respectfully requested to consider and acknowledge both Amendments filed on April 10 and June 2, 2003, and the Supplemental IDS originally filed August 15, 2002, and return with the next communication an initialed and signed copy of the Supplemental IDS form to the undersigned (a clean copy of the Supplemental IDS is provided herewith for the Examiner's use).

Applicants submit that the present application remains in condition for allowance. The Examiner is therefore respectfully requested to issue a new Notice of Allowance and Fee(s) Due and a new Notice of Allowability that acknowledges and takes into consideration the Amendments and IDS documents mentioned above, especially in box 1 ("This communication is responsive to _____") and box 2 ("The allowed claim(s) is/are _____") of the Notice of Allowability, thereby resetting the date on which the Issue Fee payment is due.

The Examiner is respectfully requested to call the undersigned attorney at the telephone number listed below to confirm receipt of this paper and attachments.

Respectfully submitted,



Philip I. Datlow
Reg. No. 41,482

Patent Department
Boehringer Ingelheim Corp.
900 Ridgebury Road
P.O. Box 368
Ridgefield, CT 06877
Tel: (203) 798-4542
Date: October 9, 2003

** TX STATUS REPORT **

AS OF APR 10 2003 13:48 PAGE.01

SEQ	DATE	TIME	TO/FROM	MODE	MIN/SEC	POS	JOB#	STATUS
	84/18	13:43	517833284734	EC--S	05'28"	820	179	OK

Telefax

Examiner Curtis A. Azpuru
U. S. Patent and Trademark Office

Boehringer Ingelheim
Corporation

703/308-4734

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April 10, 2003

Re: USSN 09/975,418; Attorney Docket No. 1/1149

Dear Examiner Azpuru:

Enclosed herewith please find the following documents for the above-referenced patent application:

1. Amendment Under 37 CFR §1.312 (10 Pages)
2. Fee Transmittal for FY 2003 (3 Pages)
3. Copy of Claims from USSN 09/961,822; Attorney Docket No. 1/1148

Sincerely,

Philip L. Datlow
Philip L. Datlow
Attorney for Applicant(s)
Reg. No. 41,482

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